



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**ATTN: DIRECTOR OF TECHNOLOGY CENTER 2900**

Applicants: Ringeisen, Timothy A.  
Serial No.: 10/619,721  
Filing Date: 07/15/2003

Group Art Unit: 3733  
Examiner: Comstock, David  
Atty. Docket No.: KN P-0065

For: COMPLIANT OSTEOSYNTHESIS FIXATION PLATE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT**  
**ABANDONED UNAVOIDABLY UNDER 37 CFR §1.137(a) (Small Entity)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir,

Pursuant to 37 C.F.R. §1.137(a), the undersigned attorney of record petitions the Director of Technology Center 2900 to revive an abandoned U.S. non-provisional patent application.

**STATEMENT OF FACTS**

While no express Notice of Abandonment has been received, the above-identified application is presumed to be abandoned because Applicants failed to reply to an Office Action that the Patent Application Information and Retrieval ("PAIR") system of the USPTO website states was mailed on April 18, 2007. A response was due on or before October 18, 2007.

Accordingly, Applicants hereby petition for revival of the-above-identified Application so that prosecution of the application can continue.

10/29/2007 HVUONG1 00000015 501671 10619721

01 FC:2452 255.00 DA

To this end, enclosed please find the following:

- (1) a complete response to the outstanding Office Action;
- (2) a petition fee under 37 CFR §1.17(l) in the amount of \$255.00; and
- (3) a showing that the entire delay in filing the required reply until the filing of a grantable petition was unavoidable.

The assignee, Kensey Nash Corporation, has authorized the fees to be debited to its deposit account. Jeffrey C. Kelly, Esq., Vice President for Intellectual Property, is authorized to sign on behalf of Kensey Nash, as indicated by the enclosed Statement Under 37 CFR §3.73(b).

The application is a regular Utility Application. Since this Utility Application was filed after June 8, 1995, no terminal disclaimer is required.

This petition is submitted under the "unavoidable" standard of 37 CFR §1.137(a). The undersigned respectfully submits that the attached statements will support a finding under this standard. Specifically and in summary, the official address for correspondence, Kensey Nash Corporation, states that it never received the office action allegedly mailed from the USPTO on April 18, 2007. The attached statement from the relevant Kensey Nash employee indicates that a search for the missing office action was made of their docket records and the file jacket (the hard copy) of the above-identified patent application, without success.

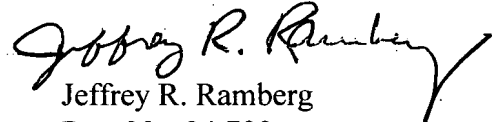
### CONCLUSION

In view of the facts set forth above and the attached sworn statements, Applicant's representative respectfully submits that the abandonment of the present application was unavoidable, and that the instant petition is grantable. Accordingly, Applicant's representative respectfully requests that the present application be revived to pending status.

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Petition to Revive  
Response in anticipation of Notice of Abandonment

Should the Patent Office have any questions or comments concerning this petition, the Office is invited to telephone the undersigned attorney.

Respectfully submitted,

  
Jeffrey R. Ramberg  
Reg. No. 34,700

October 23, 2007

c/o Kensey Nash Corporation  
735 Pennsylvania Drive  
Exton, PA 19341  
Tel: (484) 713-2140  
Fax: (484) 713-2909

Encl.: (1) Statement of Steven J. Link, Esq.  
(2) Statement of Jeffrey R. Ramberg, Esq.  
(3) Relevant Kensey Nash Corp. docketing records

**STATEMENT OF STEVEN J. LINK**

I, Steven J. Link, declare and say as follows:

Kensey Nash Corporation is the sole assignee of the above-identified patent application.

I am employed by Kensey Nash Corporation as their intellectual property manager.

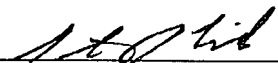
In this role, I review incoming mail from the USPTO to the Kensey Nash Corporation legal department, identify action items to be added to the case docket, and communicate with outside counsel regarding the preparation of a response for the particular matter.

I became aware of the abandonment on October 19, 2007. Specifically, I was researching Kensey Nash's commonly owned patent applications on "PAIR" on the USPTO's website to check for compliance with the New USPTO Rules. Under "Transaction History", I noticed that an Office Action allegedly had been mailed from the USPTO for the above-identified application on April 18, 2007. I looked this case up in our computer docketing system, and there was no entry indicating receipt of this office action. I have attached a printed copy of the docket and activity items recorded for the case corresponding to Serial Number 10/619,721. Additionally, I am attaching the relevant page from the archived IP docket generated on 5/14, with items due for the next 90 days. The page submitted covers the relevant dates in which a response would have been due, had the Office Action dated 4/18/07 been received and entered into the system. As shown on this attached page, there is no indication that a response is required for the P0065 case, corresponding to Serial Number 10/619721, as it would have been reflected on the docket as being due on 5/18/07. Further, I looked in the physical (hard copy) file for this patent application, and the mailed copy of the office action was not there. There are no other reasonable places at Kensey Nash Corporation where this office action is likely to be found. Accordingly, I concluded that, to the extent this office action was mailed from the USPTO as indicated on PAIR, it was never received by Kensey Nash Corporation.



I understand that all statements made herein (including statements made in the attachment documents) of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further, declarant sayeth not.

  
\_\_\_\_\_  
Steven J. Link

10/23/07  
Date

**STATEMENT OF JEFFREY R. RAMBERG**



I, Jeffrey R. Ramberg, declare and say as follows:

I am outside counsel for Kensey Nash Corporation, specifically acting as patent prosecution counsel.

I am the attorney under 37 CFR §1.34(a) handling the prosecution of the above-identified patent application.

The official address for correspondence in this application is to the assignee, Kensey Nash Corporation.

This patent application is docketed on Kensey Nash's computerized docketing system, to which I have some access rights. I become aware of matters requiring attention in Kensey Nash cases when I access such matters on their docketing system, when I receive a telephone call from a USPTO examiner in charge of that matter, or when matters are otherwise communicated to me by Kensey Nash personnel, typically Kensey Nash IP manager Steven Link, Esq., by telephone, facsimile machine or by email.

I first became aware of the abandonment, and that an office action allegedly had issued in this case on April 18, 2007, when Mr. Link called me on Friday, October 19, 2007, and communicated this information to me.

I have reviewed the relevant docketing records of Kensey Nash Corporation provided to me by Mr. Link. In view of these records and Mr. Link's Statement, I respectfully submit that the entire delay from the time that a response was due until the time that the application went abandoned was unavoidable.

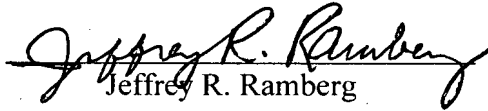
Further, I respectfully submit that the entire delay from the time of the abandonment until the filing of this petition was unavoidable.

I understand that all statements made herein (including statements made in the attachment documents) of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

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imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further, declarant sayeth not.

  
Jeffrey R. Ramberg

10-23-2007  
Date

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## Matter List



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Matter	Edit Services		
Title:	Compliant Osteosynthesis Fixation Plate	File #:	P0065
Type:	Utility - ORG	Country:	United States of America
Applicant:	Kensey Nash Corporation	Applicant File #:	P0065
FIP ID:	163574	Publication Date:	Jan 20, 2005
Status:	Pending	Matter Entity Size:	N/A
Date Filed:	Jul 15, 2003	Issue Date:	
Serial #:	10/619,721	Patent #:	
Prototype:	No	Default category	No
		prototype:	

Created by: Brian Robinson, Jun 24, 2005 Hosted By: Kensey Nash Corporation

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Activity	Description/Comments	Status	Date 1	Date 2	Quick Links	Edit
<b>Matter Management</b>		Open				<a href="#">Edit</a>
<a href="#">Supplemental Information Disclosure Statement</a>	Supplemental Information Disclosure Statement	Open: Docket Items	Supplemental IDS Due : 12/24/2007			<a href="#">Edit</a>
<a href="#">Response to Restriction Requirement - 30 day</a>	instructions sent, elect bendable polymer species I of Fig. 2A, and additional material species i. - biologically active agents and delivery materials; with traverse as we should have generic claims	Completed	Date Filed : 01/29/2007			<a href="#">Edit</a>
<a href="#">Restriction Requirement Received -31 days to respond</a>	must elect from species of Figs. 2A,C,E and species of Additional Material including : Biologically active agents, Strengthening materials, Radiopaque materials, materials to alter the absorption rate. Examiner states there are no generic claims.	Completed	Date Mailed : 12/29/2006	Date Received : 01/03/2007		<a href="#">Edit</a>
<a href="#">Office Action Response</a>		Completed	Date Done : 09/21/2006	Date Mailed : 06/21/2006		<a href="#">Edit</a>
<a href="#">Office Action Received</a>	Non Final Office Action Received	Completed	Date Mailed : 06/21/2006	Date Received : 06/22/2006		<a href="#">Edit</a>
<a href="#">Change of Correspondence</a>		Completed	Date Filed :			<a href="#">Edit</a>



<u>Address</u>			02/17/2006		
<input type="checkbox"/> <u>Supplemental Information Disclosure Statement</u>	Supplemental Information Disclosure Statement	Completed	Date Filed : 02/08/2005		<a href="#">Edit</a>
<input type="checkbox"/> <u>Notice of Publication Received</u>		Completed	Publication Date : 01/20/2005		<a href="#">Edit</a>
<input type="checkbox"/> <u>Foreign/Counterpart Filing</u>		Completed	Date Done : 07/15/2004		<a href="#">Edit</a>
<input type="checkbox"/> <u>Updated Filing Receipt Received</u>		Completed	Date Mailed : 12/10/2003	Date Received : 12/12/2003 	<a href="#">Edit</a>
<input type="checkbox"/> <u>Missing Parts Response</u>	Missing Parts Response	Completed	Date Filed : 10/20/2003	Postcard Received : 10/23/2003 	<a href="#">Edit</a>
<input type="checkbox"/> <u>Declaration</u>		Completed	Date Filed : 10/20/2003		<a href="#">Edit</a>
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<input type="checkbox"/> <u>Missing Parts Action Received</u>	Oath or declaration missing	Completed	Date Mailed : 10/10/2003	Date Received : 10/12/2003 	<a href="#">Edit</a>
<input type="checkbox"/> <u>Information Disclosure Statement</u>		Completed	Date Done : 10/06/2003		<a href="#">Edit</a>
<input type="checkbox"/> <u>Statement Under 37 CFR 3.73(b)</u>		Completed	Date Submitted : 10/06/2003	Date Done : 10/06/2003 	<a href="#">Edit</a>
<input type="checkbox"/> <u>Original Recorded Assignment Received</u>	013961/0891	Completed	Date mailed : 09/12/2003	Date Received : 09/12/2003 	<a href="#">Edit</a>
<input type="checkbox"/> <u>Assignment Submitted</u>		Completed	Date Filed : 09/10/2003		<a href="#">Edit</a>
<input type="checkbox"/> <u>Application Filed</u>		Completed	Date Filed : 07/15/2003		<a href="#">Edit</a>
<input type="checkbox"/> <u>Formal Drawings Filed</u>		Completed	Date Filed : 07/15/2003		<a href="#">Edit</a>

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# KNC Docket

May-14-2007

Results for:

Tracked Date Relative Date Range '05/14/2007' thru '07/13/2007'

REF NUMBER	MATTE NO	SERIAL NO	NEXT DEADLINE	DUE ITEM	DATE TYPE
P0020.A.EP	4406 EPPCT AS/CS	0278950933	EP	May 14, 2007	File National Translations Due Final Date
P0155.A.EP	KN P 0155A		EP	May 15, 2007	Date Due Reminder
P0340		11465767	US	May 18, 2007	Foreign/Counterpart Filing Deadline - Reminder
P0071	KN P 0071	10253034	US	May 18, 2007	Non-Final Office Action Response Due in 2 months Reminder
P0123.A.EP	KN P 0123A	057482549	EP	May 20, 2007	Date Due Reminder
P0013.2	KN P 0170	10830267	US	May 23, 2007	Non-Final Office Action Response Due in 1 month Reminder
P0013.6	CON of KN P 0170	11564788	US	May 29, 2007	File Preliminary Amendment - 6 month reminder Due Date
P-340D		2002591079	JP	Jun 2, 2007	Office Action Response - 2 month Response Due Final Date
P0095	KN P 0095	10401407	US	Jun 3, 2007	Amendment and Response to Final Office Action Reminder
P0329.A		PCTUS0409740	WO	Jun 5, 2007	Instructions To Agent Date Due Reminder
P-329D		2402137	CA	Jun 6, 2007	Office Action Response - 6 month Response Due Final Date
P0047	KN P 0047	10124359	US	Jun 7, 2007	Amendment and Response to Final Office Action Reminder
P0066	KN P 0066	10227996	US	Jun 7, 2007	Review Re: Reissue Reissue DEADLINE Final Date
P0066	KN P 0066	10227996	US	Jun 7, 2007	Review Re: Reissue Reissue DEADLINE Final Date
P0328.2		10270917	US	Jun 8, 2007	Issue Fee Payment Due Final Date
P0119.2	KN P 0183	11741611	US	Jun 8, 2007	Application Under 37 C.F.R. 1.53(b) Filed - Continuation Postcard Expected Due Date
P0328.2		10270917	US	Jun 8, 2007	Continuation/Divisional Decision Review to File Con/Div Deadline Final Date
P0119.1	KN P 0183	11178175	US	Jun 10, 2007	Proofread Issued Patent Date Due Due Date
P-341	K1008/20437	10405394	US	Jun 12, 2007	Advisory Action Response Response/Not. of Appeal Deadline - 6 Months Final Date
P0142.A.EP	KN P 0142A	057235020	EP	Jun 13, 2007	Hong Kong Filing - Stage One File Request to Record - Deadline Final Date
P0153.A.EP	KN P 0153A.EP	057530321	EP	Jun 14, 2007	Hong Kong Filing - Stage One File Request to Record - Reminder Reminder
P0333.A.NZ		540380	NZ	Jun 14, 2007	Instructions To Agent Date Due Reminder
P0071	KN P 0071	10253034	US	Jun 18, 2007	Non-Final Office Action Response Due in Non-Final Office Action Response Reminder